

OLC: 78-5114

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12 SEP 1978

Honorable Dale L. Bumpers
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

I have received a copy of your letter to the President of the Senate dated 31 July 1978 concerning access to sensitive compartmented intelligence by personal staff of Members of Congress. I am cognizant of the vital role played by Congressional staff aides such as your staff assistant, Leonard Parkinson. Let me assure you that I have no intention of impeding the work of any Senator, and I believe your requirements for sensitive compartmented information can be met within the framework of the Guidelines and Procedures for the issuance of compartmented clearances to the Legislative Branch, which I issued on 21 July.

As you know, I am charged by statute with responsibility for the protection of intelligence sources and methods. It was in this connection that I became concerned about the proliferation of access to sensitive intelligence maintained within systems of compartmentation. In July 1977, therefore, I initiated a program to restrain and where possible to reduce the number of compartmented access approvals within the Executive Branch.

President Carter recently expressed strong concern to the Senate and House Leadership about the number of Legislative Branch employees with access to sensitive intelligence information. I share this concern, and the new Guidelines and Procedures for the granting of compartmented access approvals to employees of the Legislative Branch are designed to provide a centralized management control mechanism that will assure strict, uniform application of need-to-know and personnel security criteria. A copy of the Guidelines and Procedures is enclosed.

Section D does confirm the general thrust of previous policy by specifying that only key staff members in the offices of the Leadership

of the Congress and permanent committee staff designated by committee or subcommittee chairmen are eligible for compartmented clearances. I recognize that the reasons for drawing a line between committee staff and personal staff may not be readily apparent, but I can assure you that the distinction is based on valid, significant security grounds. Committee staffers are subject to standardized security procedures and discipline for controlling classified information which are not applicable to personal staff. I believe it necessary to make this distinction given the urgent need to halt the proliferation of access to sensitive compartmented intelligence on the part of Congressional staff.

I am aware that compartmented access approvals granted by some Executive Branch agencies prior to the effective date of the Guidelines and Procedures have created several anomalous situations with regard to particular personal staff aides. I intend to ensure that the Guidelines and Procedures are applied fairly and consistently, and this may well necessitate the withdrawal of some outstanding clearances.

I must hasten to add that Section D should not be read to exclude from eligibility for compartmented clearances individuals who become associated with committee or subcommittee staffs under the provisions of Section 111(b)(2) of the Legislative Branch Appropriation Act of 1978 (P.L. 95-94, 91 Stat. 653). Section 111 codifies Section 705 of Senate Resolution 4, 95th Congress. Of course, decisions concerning the use of Sections 111(b)(2) and 111(c) must be made by each Senator in consultation with the appropriate committee or subcommittee chairman. The key distinction between the two statutory provisions as far as Guidelines and Procedures for compartmented clearances are concerned is that under 111(b)(2) an individual is actually appointed to the committee or subcommittee staff "for the purpose of assisting [a particular Senator] solely and directly in his duties as a member....," while Section 111(c) pertains to a Senator's designation of employees "in his office" to assist him with committee work. Should Mr. Parkinson, for example, become associated with the staff of the Senate Appropriations Committee under Section 111(b)(2) we would be pleased to consider a request for compartmented clearances made in accordance with Section D of the Guidelines and Procedures.

It is my belief that in the vast majority of cases it is possible to meet requirements for substantive intelligence without disclosing sources or methods of acquisition. We are always prepared to brief personal staff with appropriate security clearances and a demonstrable need-to-know on a non-compartmented basis. Where this is inadequate to meet the particular Congressional need we stand ready to fully brief Members of Congress personally.

I hope that this explanation of the Guidelines and Procedures and the rationale behind them will be helpful to you. Again, let me stress that it is not my intention to interfere with the work of any Senator. I believe the Guidelines and Procedures constitute a reasonable response to a situation that was on the verge of becoming a serious threat to the security of sensitive intelligence sources and methods. While some sacrifice and inconvenience may be necessary on the part of both the Intelligence Community and the Legislative Branch, I am sure that the needs of all Members of Congress can be accommodated.

If you wish to discuss this matter further my Legislative Counsel, Frederick Hitz, will be happy to be of assistance.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure

Distribution:

Original - Addressee w/encl.

1 - DCI w/encl.

1 - DDCI w/encl.

1 - ER w/encl.

1 - OLC Subject w/encl.

1 - OLC Chrono w/o encl.

OLC:GMC:baa (22 Aug 1978)

Retyped GMC:mlg (5 Sept 1978)

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GUIDELINES AND PROCEDURES FOR THE ISSUANCE
OF COMPARTMENTED CLEARANCES TO
THE LEGISLATIVE BRANCH

At the direction of the Director of Central Intelligence, to centralize the issuance of compartmented access approvals to the Legislative Branch, including staff employees of Congress, and employees of the General Accounting Office and the Library of Congress, thereby assuring the uniform and strict application of need-to-know and personnel security criteria, and to provide for an accurate, up to date, centralized record of holders of such approvals, the following guidelines and procedures are established effective immediately.

A. The DCI's Legislative Counsel shall serve as the Intelligence Community focal point for assuring the proper exercise of need-to-know pertaining to access by employees of the Legislative Branch to intelligence maintained and controlled within the SI, TK [REDACTED] of compartmentation. The DCI's Legislative Counsel, acting on behalf of the DCI, shall oversee the processing of all such requests and shall validate the need-to-know. The DCI's Director of Security shall review such requests to assure proper uniform application of security criteria for access under the provisions of DCID 1/14.

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B. All requests received by departments and agencies to grant employees of the Legislative Branch access to intelligence controlled within the SI, TK [REDACTED] of compartmentation will be submitted by the recipient with its decision, to the DCI's Legislative Counsel for review and concurrence. Requests must clearly describe the nominee's need-to-know. Issues arising in regard to particular requests will be referred to the Director of Central Intelligence for resolution.

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C. All requests for approvals of access to intelligence controlled within any system of compartmentation for any employees of the General Accounting Office or the Library of Congress will be submitted to the DCI's Legislative Counsel and will be personally approved by the DCI. Such requests must be at the direction of a Congressional committee and by letter from the committee chairman to the department or agency involved, fully stating the Congressional requirement.

D. Access to compartmented information will be approved only for permanent staff persons of Congressional committees designated by committee or subcommittee chairmen, and to selected Members of the Leadership staffs as designated by the President and President Pro-Tempore of the Senate, the Speaker of the House of Representatives and the Majority and Minority Leaders of both Houses respectively. Personal staff of Members of Congress shall not be granted compartmented clearances.

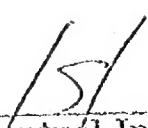
1. Direct involvement in authorization legislation pertaining to Intelligence Community agencies;
2. Direct involvement in appropriations legislation for Intelligence Community agencies;
3. Direct involvement in reviews authorized by law of activities of Intelligence Community agencies;
4. Direct involvement in oversight responsibilities carried out by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence;
5. Direct involvement in other legislative matters which of necessity require direct access to compartmented intelligence.

In most cases, the need for substantive intelligence can be fulfilled without disclosing the source or method of acquisition. Therefore, every effort will be made to satisfy Congressional requirements for information by providing noncompartmented or sanitized material which does not reveal the manner of collection or acquisition. Direct access to compartmented information will not be approved unless sanitization or the provision of noncompartmented information is shown to be inadequate to meet the Congressional requirement.

F. Access approvals will be valid only so long as they are necessary, and approvals granted for particular requirements will be terminated when those requirements have been met. All approvals will be included in the central data base maintained by the Special Security Center under the direction of the DCI's Director of Security.

G. All persons, excluding Members of Congress, granted access to compartmented intelligence information shall have been the subject of a prior investigation meeting the criteria set forth in DCID 1/14. Security investigations of Congressional staff persons may be conducted under agreed upon arrangements with chairmen of committees or subcommittees, as appropriate. Investigations generally will be conducted by the Department of Defense, the FBI, or the Civil Service Commission, depending upon the particular arrangements made. The agency or department sponsoring the clearance will assume responsibility for assuring the conduct of an appropriate investigation. Security determinations made by sponsoring agencies or departments will be reviewed by the DCI's Director of Security to assure the proper uniform application of security criteria under DCID 1/14.

II. No materials controlled within a system of compartmentation will be provided to any Legislative Branch requester for retention without the approval of the DCI's Legislative Counsel and unless maintained in storage facilities which meet prescribed physical security requirements and are so certified by the Special Security Center.



Director of Central Intelligence

21 JUL 1978

Date

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ROUTING AND RECORD SHEET

78-5114

SUBJECT: (Optional)

Guidelines

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

ER 78-8035/3 + 4
8 SEP 1978

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Do not.)

1. DDCI

9/8/78 SEP 1978

[Signature]

Attached for your signature are letters to Senators Bumpers and Morgan regarding their requests for compartmented clearances for their personal staff aides. Senator Bumpers sent you an information copy of his letter to the Vice President on this subject. We advised the Vice President's staff that we would attempt to deal directly with the Senator on the issue.

2.

3. DCI

Rec'd 11 Sept.

9 SEP 1978

[Signature]

The letters explain the rationale behind the Guidelines and Procedures which you issued in July. The letters also point out to Senators Bumpers and Morgan that a legislative provision exists which would allow them to have their personal staff men appointed to the relevant committee staff, and that this would make the individuals eligible for compartmented clearances.

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5. OLC(for handcarry)

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4 SEP 1978

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15.

Discussed this with Morgan came to agreement after meeting

I doubt that these letters will placate either Senator, but they are the most that can be done for them while maintaining the integrity of the Guidelines and Procedures.

FREDERICK P. HITZ

This is the most logical way in which to attempt to accommodate

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